BOARD OF ADJUSTMENT

Zoning Administration Division
Development Services Department (DSD)
201 North Stone Avenue, Tucson, Arizona 85701

*** NOTICE OF DECISIONS ***

DATE OF PUBLIC HEARING May 27, 2009

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J)&(K).

CASE NO. THE APPLICANT

C10-09-06 SIEGMUND PROPERTY SECOND DWELLING/R. AND M. SIEGMUND, 3022 EAST FIRST STREET, R-1

The applicants' property is a 7,525 square foot lot developed with a single family dwelling and a garage that was converted into a second dwelling unit. A variance for a reduced setback was granted to allow half of the garage to be converted into sleeping quarters. The remaining half of the garage was converted into a kitchen and living area, without zoning approval or permits. A minimum lot size of 10,000 square feet is required to construct a second dwelling unit on R-1 zoned property. Tucson *Land Use Code* (*LUC*) Sections applicable to this project include, in part, the following: Section 2.3.4, which provides the development criteria applicable to residential development in the R-1 zone, Section 3.2.3 which provides criteria for the minimum site area, and 3.2.6 which provides the perimeter yard (setback) requirements. The applicants are requesting the following variances: 1) Reduce the minimum lot area required for a second dwelling; and, 2) Reduce the building setbacks for Building B, as shown on the submitted plans.

DECISION: VARIANCE 1 DENIED.

DECISION: VARIANCE 2 GRANTED SUBJECT TO THE FOLLOWING CONDITION:

A. Kitchen facility to be removed within thirty (30) days of the date of Board's decision.

By LUC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

IMPORTANT NOTICE

FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE DEVELOPMENT SERVICES DEPARTMENT (DSD) WITHIN 180 DAYS OF THE HEARING DATE.

VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.

<u>UNLESS OTHERWISE NOTED</u>, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD' DECISION.

THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION WHICH PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE DEPARTMENT OF NEIGHBORHOOD RESOURCES FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

If you want further information, please call Russlyn Wells at 837-4948 or Wayne Bogdan at 837-4946.

Sue Montes, Secretary Board of Adjustment

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